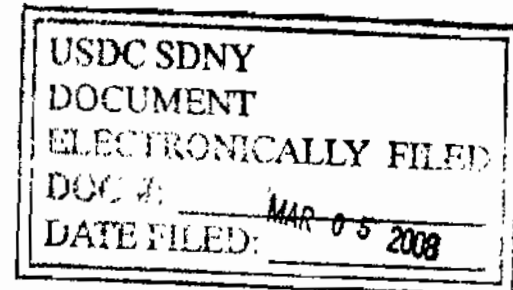




THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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March 4, 2008

**BY FACSIMILE**

Honorable George B. Daniels  
 United States District Judge  
 Southern District of New York  
 500 Pearl St., Room 630  
 New York, New York 10007  
 Fax: 212-805-6737

**SO ORDERED**

The conference is adjourned to  
 April 16, 2008 at 9:30 a.m.

*George B. Daniels*  
**HON. GEORGE B. DANIELS**

MAR 05 2008

Re: Wilkins v. N.Y.C. Dept. of Correction, 07 CV 10699 (GBD) (DEF)<sup>1</sup>

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendants New York City Department of Correction Officers Nunez, Marcell and Captain Lago's time to answer or otherwise respond to the complaint in this action be enlarged thirty (30) days to and including April 4, 2008. Additionally, I write to respectfully request that the initial conference currently scheduled for March 12, 2008 at 9:30 a.m. be adjourned to a date that is convenient for the court until after issue has been joined. *Pro se* plaintiff, Maurice Wilkins, is currently incarcerated and therefore, I am unable to reach him in order to obtain his consent, however, I have no reason to believe that he would object to this request for an initial enlargement of time and an adjournment of the initial conference.

As an initial matter, I apologize to the Court and plaintiff for this late request, however, a check of the docket sheet indicates that it was not until February 14, 2008 that the

<sup>1</sup> This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

U.S. Marshalls filed process receipts indicating that defendants Nunez, Marcell and Lago were served with process on January 22, 2008 and accordingly, that their answers were due on February 11, 2008.<sup>2</sup> This Office did not learn of the U.S. Marshalls purported service of process on these defendants until recently checking the docket sheet, as these officers have not contacted this Office concerning representation.

A thirty (30) day enlargement of time is necessary so that this Office can make the requisite representational decisions as to Officers Nunez, Marcell and Captain Lago.<sup>3</sup> As your Honor may be aware, pursuant to Section 50-K of the New York General Municipal Law, the Corporation Counsel's Office makes its decision to represent based on a review of the facts of the case. Our investigation includes conducting a representational interview. The requested enlargement will allow this Office time to conduct the mandatory representation interviews, and as a result, complete its representational investigation.

No previous request for an enlargement of time has been made. Accordingly, this Office respectfully requests that Correction Officers Nunez, Marcell and Captain Lago's time to answer or otherwise respond to the complaint in this action be enlarged thirty (30) days to and including April 4, 2008, and that the initial conference currently scheduled for March 12, 2008 at 9:30 a.m. be adjourned to a date that is convenient for the court until after issue has been joined.

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<sup>2</sup> The docket sheet also indicates that the U.S. Marshalls did not execute service of process on the individuals identified in the caption of the complaint at "Officer Dean," "Officer Thorne," "Officer Serrana" and "N.Y.C. Dept. of Corrections."

<sup>3</sup> This Office has not discussed with Officers Nunez, Marcell and Captain Lago the manner of service and we make no representation herein as to the adequacy of service upon them.

I thank Your Honor for considering the within requests.

Respectfully submitted,



Sabrina Tann (ST 2552)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Maurice Wilkins (#441-07-06608)  
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(By First Class Mail)